

Application Serial No: 10/532,888

Responsive to the Advisory Action mailed 5/22/08 and the final Office Action mailed 12/17/07

### **REMARKS**

This Amendment is in response to the Advisory Action mailed May 22, 2008 and the final Office Action mailed on December 17, 2008. Claim 1 is amended editorially and is supported, for example, in the specification on page 6, lines 22-26; page 8, lines 25-29; and page 13, lines 2-6 and in Figure 8. No new matter is added. Claims 1, 3 and 5-11 are pending.

#### **§112, Second Paragraph:**

Claims 1 and 3-11 are rejected as being indefinite. In particular, claim 1 is rejected for reciting a "cartridge" in the phrase "for latching the cartridge by biased engagement with any of the plurality of groove portions". Applicant notes that the nature of the case in claim 1 is to hold a "cartridge", and any recitation of the term "cartridge" is merely provided to allow the various features of the case to be more easily understood. Withdrawal of this rejection is requested.

#### **§102 Rejections:**

Claims 1, 4 and 11 are rejected as being anticipated by Law (US Patent No. 6,164,446). This rejection is traversed.

Claim 1 is directed to a case for holding a cartridge that requires, among other features, shutters that rotate reciprocally to open and close an opening window, and a front face that is chamfered in a rounded shape. Claim 1 also requires a release member and a one latching member that are provided at any one of two corners defined by the pair of side faces and the rear surface of the cartridge in a state in which the cartridge has been installed.

Law does not disclose or suggest these features. Law is directed to a data disc box that includes a hook (70) and a tab (74) that the rejection interprets as the latching member and the release member of claim 1, respectively. However, nowhere does Law disclose or suggest shutters that rotate reciprocally to open and close an opening window, or a front face that is chamfered in a rounded shape. Also, The hook (70) and the tab (74) are integrated together with the tab (74) disposed outside the hook (70) and positioned on an extension of the diameter of the disc (see Figure 1 of Law). Thus, the tab (74) and the

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hook (70) cannot be provided at any one of two corners defined by the pair of side faces and the rear surface of the cartridge in a state in which the cartridge has been installed, as required by the release member and the latching member of claim 1. For at least these reasons claim 1 is not suggested by Law. Claim 11 depends from claim 1 and should be allowed for at least the same reasons.

§103 Rejections:

Claims 3, 7 and 11 are rejected as being unpatentable over Law in view of Chiu (US Patent Publication No. 20002/0100701). This rejection is traversed. Claims 3, 7 and 11 depend from claim 1 and should be allowed for at least the same reasons described above. Applicant does not concede the correctness of this rejection.

Claims 5 and 6 are rejected as being unpatentable over Law in view of Deja (US Patent No. 5,526,926). This rejection is traversed. Claims 5 and 6 depend from claim 1 and should be allowed for at least the same reasons described above. Applicant does not concede the correctness of this rejection.

Chiu and Deja References:

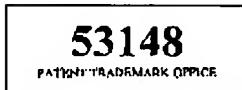
Applicant notes the following with respect to claim 1 as it applies to the Chiu and Deja references. As discussed above, claim 1 requires that the release member be provided with said one latching member at a corner of the cartridge in a state in which the cartridge has been installed. Chiu is directed to a DVD-holding case that uses a finger hole (51, 52) for pushing the DVD upward when an ear (5) is depressed. Deja is directed to a storage case for compact discs that includes a cover section (14) that when depressed, lifts the lifting element (16) above which the compact disk rests. However, neither of these references teach or suggest that a release member and a latching member are provided at any one of two corners defined by the pair of side faces and the rear surface of the cartridge in a state in which the cartridge has been installed, as required by claim 1.

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Conclusion:

Applicant respectfully asserts that claims 1, 3 and 5-11 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

By: 

Douglas P. Mueller  
Reg. No. 30,300  
DPM/ahk